

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION**

**DONNA OHSANN,**

**PLAINTIFF,**

**V. CIVIL ACTION NO. 2:07-cv-00875-WKW**

**L. V. STABLER HOSPITAL and  
COMMUNITY HEALTH SYSTEMS  
PROFESSIONAL SERVICES CORPORATION,**

**DEFENDANTS.**

**OPPOSED**

**PLAINTIFF'S MOTION TO TOLL THE STATUTE OF LIMITATIONS**

COMES NOW, the Plaintiff by and through undersigned counsel, and moves this Honorable Court to toll the statute of limitations on behalf of all potential consenting "opt-in" plaintiffs and presents in support as follows:

1. Plaintiff filed her motion for Conditional Class Certification and to Facilitate Court Approved Notice under 29 U.S.C. § 216(b) on February 22, 2008 (See Docs. 19, 19-2, 19-3, 19-4, 20).

2. Defendant filed its opposition on March 29, 2008.

3. Plaintiffs' Reply Brief is due April 11, 2008.

4. Because several weeks will go by during the briefing schedule and then what time the Court needs to consider Plaintiff's Motion, time will be potentially lost

to opt-in Plaintiffs for back pay and liquidated damages. Should the Court grant Plaintiff's Motion because of the FLSA's moving statute of limitations, Plaintiff request that this Court toll that statute from this point forward.

5. While confident with her filings, Plaintiff does not presume that the Court will grant Plaintiff's Motion, however, in the interest of the potential class Plaintiff seeks to represent, Plaintiff requests that this Court toll the statute of limitations from the date of the filing of this Motion should the Court grant Plaintiff's Motion.

WHEREFORE, Premises Considered, Plaintiff requests this Honorable Court toll the statute of limitations for all opt-in plaintiffs who consent to join the lawsuit should the Court grant Plaintiff's Motion for Conditional Class Certification.

Respectfully submitted,

/s/ David R. Arendall

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David R. Arendall  
Counsel for Plaintiff

OF COUNSEL:

**ARENDALL & ASSOCIATES**  
2018 Morris Avenue, Third Floor  
Birmingham, AL 35203  
205.252.1550 – Office  
205.252.1556 - Facsimile

CERTIFICATE OF SERVICE

I hereby certify that on April 2, 2008, I electronically filed the foregoing with the Clerk of the Court by using the CM/ECF system which will send a notice of electronic filing to the following: David Walston, Esq.

/s/ David R. Arendall

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Of Counsel